

BILL NO. S-89-09-03 (CORRECTED)

SPECIAL ORDINANCE NO. 143-89

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$1,000,000.00 ECONOMIC DEVELOPMENT REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF MAKING A LOAN TO CRAFTLINE ACQUISITION CORP. IN ORDER TO FINANCE THE ACQUISITION AND CONSTRUCTION OF CERTAIN ECONOMIC DEVELOPMENT FACILITIES LOCATED IN FORT WAYNE; AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT; AUTHORIZING AN INDENTURE OF TRUST APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF THE REVENUES FROM THE LOAN AGREEMENT; AND AUTHORIZING THE OTHER TERMS AND SALE OF SAID BONDS.

WHEREAS, The City of Fort Wayne, Indiana (hereinafter called the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. 36-7-12 as amended (hereinafter called the "Act") is authorized and empowered to adopt this ordinance (the "Bond Ordinance") and to carry out its provisions; and

WHEREAS, Craftline Acquisition Corp. ("Developer") is an Indiana corporation located in Fort Wayne, Indiana; and

WHEREAS, the Developer has agreed to acquire and construct economic development facilities in the City if the City will finance a portion of the cost of such acquisition and construction;

WHEREAS, the Fort Wayne Economic Development Commission has performed all action required of it by the Act preliminary to the adoption of this Bond Ordinance and has approved and forwarded to this Common Council the forms of (1) Indenture of Trust (the "Indenture") between the City and Lincoln National Bank and Trust Company of Fort Wayne as Trustee under the Indenture (the "Trustee"), setting forth forms of economic development revenue bonds (2) Loan Agreement, Mortgage and Security Agreement (the "Loan Agreement") between the City and the Developer, and (3) this Bond Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

SECTION 1. Findings; Public Benefits. The Common Council of the City hereby finds and determines that the land, building, machinery and equipment and related facilities (the "Project") to be acquired, constructed and equipped with the proceeds of the Economic Development Revenue Bonds herein authorized are "economic development facilities" as that phrase is used in the Act; that acquisition and construction of the Project by the Developer will increase employment opportunities and increase diversification of economic development facilities in and near the City, will improve and promote the economic stability, development and welfare of the area in and near the City and will encourage and promote the expansion of industry, trade, and commerce in the area in and near the City and the location of other new industries in the area; and that the public benefits to be accomplished by this Bond Ordinance, in tending to overcome insufficient employment opportunities and insufficient diversification of industry, are greater than the cost of public services (as that phrase is defined in the Act) which will be required by the Project.

SECTION 2. Authorizing of Economic Development Revenue Bonds. In order to pay a portion of the cost of acquiring and constructing the Project, there are hereby authorized to be issued, sold and delivered \$1,000,000.00 aggregate principal amount of Economic Development Revenue Bonds, (Craftline Acquisition Corp. Project) of the City (the "Bonds"). The Bonds will be issued in one Series (The "Series 1989 Bonds"). The Series 1989 Bonds shall be in an amount of \$1,000,000.00 and the proceeds of this Series will be used to acquire, construct, reconstruct and improve the Project. Any additional costs of the Project will be paid for by the Developer unless paid for with the proceeds of additional bonds.

1 SECTION 3. Terms for the Bonds. The total principal
2 amount of Series 1989 Bonds that may be issued is hereby
3 expressly limited to \$1,000,000.00.

4 The Series 1989 Bonds shall be executed, shall be in
5 such form, shall have such redemption provisions, and shall be
6 subject to such terms and conditions as set forth in the
7 Indenture. The Bonds and the interest thereon do not and
8 shall never constitute an indebtedness of or a charge against
9 the general credit or taxing power of the City, but shall be
10 limited obligations of the City, payable solely from revenue
11 and other amounts derived from the Loan Agreement and shall be
12 secured as provided in the Indenture. Two copies of the Loan
13 Agreement and Indenture are before this meeting and are by
14 this reference incorporated in this Bond Ordinance, and the
15 City Clerk is hereby directed to insert them into the minutes
16 of the Common Council and to keep them on file.

17 SECTION 4. Sale of Bonds. The Mayor, City Clerk and
18 City Controller of the City are hereby authorized and directed
19 to sell the Bonds to such purchaser as shall be identified by
20 INB National Bank as placement agent ("the Placement Agent"),
21 at a price of \$1,000,000.00 plus accrued interest to the date
22 of delivery and payment, and at an interest rate not to exceed
23 10% per annum, all pursuant to a bond purchase agreement which
24 is hereby approved in all respects. The form of Placement
25 Agency Agreement as related to the Bonds is hereby approved
26 and the Mayor is authorized to execute same on behalf of the
27 City.

28 SECTION 5. Indenture. In order to secure the payment
29 of the principal of and interest on the Bonds, the Mayor and
30 the City Clerk shall execute, acknowledge and deliver, in the
31 name and on behalf of the City, an Indenture of Trust, dated
32 as set forth in the Indenture of Trust, in substantially the
form submitted to this Common Council, which is hereby
approved in all respects.

SECTION 6. Loan Agreement. In order to provide for the loan of the proceeds of the Bonds to acquire and construct the Project, the Mayor and the City Clerk shall execute, acknowledge and deliver in the name and on behalf of the City a Loan Agreement, dated as set forth in the Loan Agreement, in substantially the form submitted to this Common Council, which is hereby approved in all respects.

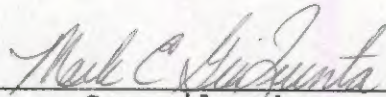
SECTION 7. Letter of Credit and Related Documents. The form of the Irrevocable Transferrable Letter of Credit issued by Lincoln National Bank and Trust Company of Fort Wayne, and the Reimbursement Agreement, Reimbursement Mortgage and Security Agreement and Guaranty Agreement related thereto are hereby approved.

SECTION 8. Preliminary Private Placement Memorandum. The form of the Preliminary Private Placement Memorandum relating to said bonds is hereby approved.

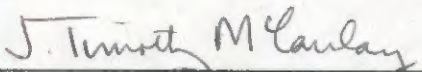
SECTION 9. Modifications. The Mayor and City Clerk are authorized to make such changes in the financing documents without the subsequent approval of this commission or of the Fort Wayne Common Council, as are necessary or appropriate to affect the intent of these resolutions and as are permissible under I.C. 36-7-12, all to be evidenced by their execution of the financing documents.

SECTION 10. General. The Mayor, City Clerk and City Controller be and they are hereby authorized and directed, in the name and on behalf of the City, to execute any and all instruments including any security agreements or assignments thereof, perform any and all acts, approve any and all matters, and do any and all things deemed by them, or any of them, to be necessary or desirable in order to carry out the purposes of this Bond Ordinance (including the preambles hereto), including without limitation, execution of the certificates to evidence the Bonds are not arbitrage bonds within the meaning of Section 148 of the Internal Revenue Code and execution of closing certificates.

SECTION 11. Effective Date. This Bond Ordinance shall
be in full force and effect immediately upon its adoption by
the Common Council and approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by GiaQuinta, seconded by Henry, and duly adopted, read the second time by title and referred to the committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, at _____ o'clock _____ E.S.T.

DATED: 9-12-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Salerno, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS				
GiaQUINTA	<u>✓</u>			<u>✓</u>
HENRY	<u>✓</u>			
LONG				
REDD	<u>✓</u>			<u>✓</u>
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 9-26-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____ (ZONING MAP) _____ ORDINANCE ~~RESOLUTION~~ NO. S-143-89, on the 26th day of September, 1989.

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of September, 1989, at the hour of 11:30 o'clock A. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 27th day of September, 1989, at the hour of 11:45 o'clock A. .M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

1-85-09-03

TITLE OF ORDINANCE ORDINANCE

DEPARTMENT REQUESTING ORDINANCE ECONOMIC DEVELOPMENT

SYNOPSIS OF ORDINANCE ALLOWS THE ISSUANCE AND SALE OF \$1,000,000.00

ECONOMIC DEVELOPMENT REVENUE BONDS OF THE CITY OF FORT WAYNE,
INDIANA, TO CRAFTLINE ACQUISITION CORPORATION TO DEVELOP A COMMERCIAL
PRINTING BUSINESS.

EFFECT OF PASSAGE AUTHORIZES THE ISSUANCE OF \$1,000,000.00

Economic Development Revenue Bonds for Craftline Acquisition Corp.
12 additional employees/\$250,000.00 increased annual payroll.

EFFECT OF NON-PASSAGE Project cannot be completed.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. S-89-09-03

REPORT OF THE COMMITTEE ON FINANCE

MARK E. GiaQUINTA, CHAIRMAN
THOMAS C. HENRY, VICE CHAIRMAN
BRADBURY, SCHMIDT, BURNS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AUTHORIZING THE ISSUANCE
AND SALE OF \$1,000,000.00 ECONOMIC DEVELOPMENT REVENUE BONDS OF
THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF MAKING A LOAN
TO CRAFTLINE ACQUISITION CORP. IN ORDER TO FINANCE THE ACQUISITION
AND CONSTRUCTION OF CERTAIN ECONOMIC DEVELOPMENT FACILITIES LOCATED
IN FORT WAYNE: AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT:
AUTHORIZING AN INDENTURE OF TRUST APPROPRIATE FOR THE PROTECTION
AND DISPOSITION OF THE REVENUES FROM THE LOAN AGREEMENT: AND
AUTHORIZING THE OTHER TERMS AND SALE OF SAID BONDS

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Mark E. GiaQuinta

Janet H. Bradbury

Thomas C. Henry

Brady, Schmidt, Burns

DATED: *9-26-89.*

Sandra E. Kennedy
City Clerk